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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,809	02/19/2002	Maximilian Gottl	265-106	6122

7590

10/30/2003

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EXAMINER

LEE, BENNY T

ART UNIT

PAPER NUMBER

2817

DATE MAILED: 10/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



## Patent and Trademark Office

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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.

EXAMINER	
PART UNIT	PAPER NUMBER

DATE MAILED:

This is a communication from the examiner in charge of your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☒ Responsive to communication filed on 19 Feb 2007 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 12 (12) month(s), 12 days from the date of this letter. Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

## Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- |   |   |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-932. | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948.                  |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449                  | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152 |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474      | 6. <input type="checkbox"/>   |

## Part II SUMMARY OF ACTION

1. ☒ Claims 1-24 are pending in the application.  
Of the above, claims \_\_\_\_\_ are withdrawn from consideration.
2. ☐ Claims \_\_\_\_\_ have been cancelled.
3. ☐ Claims \_\_\_\_\_ are allowed.
4. ☒ Claims 1-23; 24 are rejected.
5. ☐ Claims \_\_\_\_\_ are objected to.
6. ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.
7. ☐ This application has been filed with Informal drawings which are acceptable for examination purposes until such time as allowable subject matter is indicated.
8. ☐ Allowable subject matter having been indicated, formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on \_\_\_\_\_. These drawings are ☐ acceptable; ☒ not acceptable (see explanation).
10. ☐ The proposed drawing correction and/or the ☐ proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_, has (have) been ☐ approved by the examiner, ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed \_\_\_\_\_, has been ☐ approved, ☐ disapproved (see explanation). However, the Patent and Trademark Office no longer makes drawing changes. It is now applicant's responsibility to ensure that the drawings are corrected. Corrections MUST be effected in accordance with the instructions set forth on the attached letter "INFORMATION ON HOW TO EFFECT DRAWING CHANGES", PTO-1474.
12. ☒ Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☒ been received ☐ not been received ☐ been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

SN 49809

Art Unit: 2817

A substitute specification is required pursuant to 37 CFR 1.125(a) because a substantial amount of text appears to be missing from the specification, as filed. For example, the following descriptive text appears missing: the top of page 3; Page 4 in its entirety; any descriptive text bridging pages 5 and 6; a substantial portion of page 9. Absent this missing text, the specification description is deemed incomplete.

A substitute specification filed under 37 CFR 1.125(a) must only contain subject matter from the original specification and any previously entered amendment under 37 CFR 1.121. If the substitute specification contains additional subject matter not of record, the substitute specification must be filed under 37 CFR 1.125(b) and must be accompanied by: 1) a statement that the substitute specification contains no new matter; and 2) a marked-up copy showing the amendments to be made via the substitute specification relative to the specification at the time the substitute specification is filed.

35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are: Page 2, line 8, --these--after "solutions of"; line 10, --solutions--after "these"; lines 20-23, "via which --- Since, however..."; lines 38, 39, "that is to say...assemblies 9, 9" in the ...". Page 3, line 13, 14, "...the dipole radiating element being supplied...". Page 8, line 21, "in whose region..."; line 31, "...there, which ...". Page 9, line 31, "...formed-out regions...".

Art Unit: 2817

The disclosure is objected to because of the following informalities: Patc 1, line 10, note that reference to "the preamble of claim 1" is inappropriate for such description and should be deleted. Page 2, line 33 and page 8, line 36, note "1a to 1d" should be rewritten as --1a, 1b, 1c, 1d-- for consistency with the labeling in the drawing figures. Page 2, line 34, note that "in the end" is vague in meaning. Page 3, line 34, note that "- &" is vague in meaning. Page 7, in the brief description of the drawings, note that the reference to "Figures 6a and 6b" do not appear to make sense since no such figures appear to have been filed; moreover, note that brief description of Figures 6, 7, 8a and 8b are missing and need to be provided. Page 10, line 10, note that "1a to 1f" should be rewritten as --1a, 1b, 1c, 1d, 1e, 1f-- for consistency with the labeling in the drawing figures; line 15, note that reference to "the following table" is vague in meaning (i.e. not table appears to have to have been provided). Page 11, note that the description thereat which references "figures 6a and 6b" does not make sense since no "Figures 6a and 6b" are present in the drawing. Should this description properly refer to --figures 8a and 8b--?.

Appropriate correction is required.

The disclosure is objected to because of the following informalities: Note that in the specifications description of the following figures the following deficiencies need to be addressed: In Fig. 1, reference label "3" needs a description; In fig. 2, reference labels (39a, 39b, 41) need description; In Figs. 3, 6, 7, 8a and 8b, these figures, in their entirety, need to be described in the specification; In Fig. 4, all reference labels except (1a, 1b, 1c, 1d, 1e, 1f) need description; In Fig. 5, all reference labels except (21b, 23, 25) need description.

Art Unit: 2817

Appropriate correction is required.

The drawings are objected to because of the following: In Fig. 1, note that the drawing figure needs to be labeled --PRIOR ART-- and reference labels --  $(+2\phi, +1\phi, 0, -1\phi, -2\phi)$  -- need to be provided and associated with the corresponding radiating element; In Fig. 4, note that "f" should correctly be --1f-- and reference labels --  $(+3\phi, +2\phi, +1\phi, 0, -1\phi, -2\phi, -3\phi)$  -- need to be provided and associated with the corresponding radiating element; In Fig. 5, note that reference label --29-- needs to be provided as per the specification description. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the metallic cover (*cf* 13) and the offset of center points between the strip line sections and the pivoting axis (*cf* 20), respectively must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The following claimed subject need to be described in the specification: the

Art Unit: 2817

distance between the strip line sections being 0.1 to 1.0 times the transmitted RF wavelength; the dielectric for the capacitive coupling; and the metallic cover.

Claims 1-23; 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1, 24, note that reference to “is in this case” and “for this purpose” are respectively vague in meaning and need clarification. Note that it is unclear what scope of coverage is encompassed by the recitation “like a pointer”. In the last paragraph, it is unclear how this recitation defines the invention.

In claims 2, 3, note that it is unclear the intent and purpose of the recitation “at the same time”. Note that it is unclear which “tapping sections” are intended, especially since the “plurality of strip line sections” lacks strict antecedent basis.

In claim 4, note that it is unclear what characterizes “formed like a radial point element”.

In claims 5, 6, note that reference to “the share of the power” and “the (innermost/outermost) strip line section” respectively lack strict antecedent basis.

In claim 7, should “said” precede “a least two of the strip line sections” for a proper characterization? Note that it is unclear whether “at least two or all...” constitutes a proper alternative recitation.

In claim 8, note that “increases by a constant factor” is vague in meaning (i.e. increases relative to what reference?).

Art Unit: 2817

In claims 9, 14, 15, 19-23, note that it is unclear which “tapping section” (e.g. some, all, etc) are intended.

In claim 11, note that “the coupling section” lacks strict antecedent basis in claim 1.

In claims 12, 13, note that “this phase shift assembly” appears to imply or suggest more than one phase shift section which is not consistent with the one phase shift section of claim 1.

In claims 12, 13, 17, 22, 23, note that limiting modifiers such as “in particular” and “preferably” render these claims vague and indefinite.

In claim 14, note that it is unclear which of the “number of connection lines” is intended by the recitation of “the connection line”.

In claims 18-20, note that reference to “the center points” is not definite since claim 1 does not define the strip line sections as having different center points.

The following claims have been found objectionable for reasons set forth below:

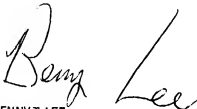
Note that claims (1, 24; 2, 3; 22, 23/1, 23/22) appear to respectively recite the same subject matter and have the same dependency thus resulting in redundant claims. Clarification is needed.

In claims 1, 24, note that --a respective tapping section-- is suggested and “which tapping section” should be rephrased as --said respective tapping section--.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Huynh et al and Saitou pertain to adjustable phase shifter using a pointer like element.

Art Unit: 2817

Any inquiry concerning this communication should be directed to Benny Lee at telephone number (703) 308-4902.

  
BENNY T. LEE  
PRIMARY EXAMINER  
ART UNIT 2817

L BENNY/pj

10/09/03